

## Record of Contact (To be maintained with Official Case File)

### U.S. Environmental Protection Agency Office of Civil Rights

#### FROM

**Name:** Jeryl Covington  
**Title:** Envir. Protection Specialist

**Complaint #:** 44RNO/45RNO-16-R9

**Telephone:** Ex. 6 Personal Privacy (PP)

**Date:** March 18, 2019

**Attendees:** NA

#### TO

**Name:** Andrew Goff  
**Title:** State of Hawaii, Deputy Attorney General

**Name:**  
**Title:**

**Time:** 4:51 p.m. – 5:03 p.m. EST

**Summary of Contact:** Follow-up call to March 8, 2019 email notifying the complainant of the transition of the point of contact for the referenced complaint.

Inquiry was made to his receiving and reviewing the draft resolution agreement. Mr. Goff affirmed his receipt and review of the resolution agreement, he stated that he still had concerns and continued to state that there is no federal dollars associated with ADC and had submitted a response to EPA. He stated that there was no information from the T6 regs to challenge the determination by EPA. He previously requested documentation of EPA's determination of the jurisdiction but has not received anything in writing. He additionally stated that he requested a case law example on jurisdiction such that he could pursue a legal objection. He further stated that everyone wants us to do something to resolve the complaint, but he is not advising his client to subject themselves to the jurisdictional requirements since they do not apply. Furthermore, he stated that was willing to enter into the agreement if he could strike through the language refencing the jurisdictional requirements. Likewise, he referenced that HDOA could be the party to develop and implement the T6 requirements and there would be coverage under their program for ADC. Mr. Goff continued to provide background on his claim that there is no T6 jurisdiction for his client. Having to include the T6 language would obligate his client to be beholden to the jurisdictional requirements such as the specific obligation of the website and policies.

With respect to HDOA, Mr. Goff reiterated that the two agency were separate agencies. He stated that HDOA was uncomfortable in developing a T6 program in which ADC would utilize on their behalf. In speaking with his counterpart in HDAO, it was brought to his attention that there is legal liability for HDOA under this proposed arrangement. I shared that HDOA was waiting for a follow-up call from his office.

Mr. Goff shared that it was difficult for ADC to address each of the requirements outlined in the T6 requirements because ADC has only three (3) employees. If they receive a complaint, it would consume all of their staff's time to investigate.

Mr. Goff will review the draft resolution again and speak with his client.

**Follow Up (if necessary):** ECRCO management will be made aware of ADC's request for information and will follow-up again to obtain a decision from his discussion with his client and HDOA.